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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARIO J. EARL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C11-0095-JLR  
(CR09-06-JLR)

ORDER DENYING MOTION UNDER 28  
U.S.C. § 2255

The Court, having reviewed petitioner's motion under 28 U.S.C. § 2255, the briefing of the parties, the Report and Recommendation of James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

1. The Court adopts the Report and Recommendation.
2. Petitioner's motion under § 2255 (Dkt. No. 1) is DENIED and this action is DISMISSED with prejudice.
3. In accordance with Rule 11 of the Rules Governing Section 2255 Proceedings for the United States District Courts, a certificate of appealability is DENIED.

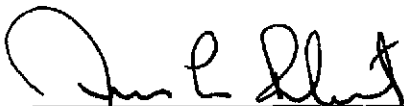
ORDER DENYING MOTION UNDER  
28 U.S.C. § 2255 - 1



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1           4.     The Clerk shall send copies of this Order to petitioner, to counsel for the  
2                     government, and to Judge Donohue.

3           DATED this <sup>th</sup> 11 day of July, 2011.

4                                       
5                                     \_\_\_\_\_  
6                     JAMES L. ROBART  
7                     United States District Judge